

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
2 Including Professional Corporations  
JILL M. PIETRINI (Cal. Bar No. 138335)  
3 jpietrini@sheppardmullin.com  
PAUL A. BOST (Cal. Bar No. 261531)  
4 pbost@sheppardmullin.com  
BENJAMIN O. AIGBOBOH (Cal. Bar No. 268531)  
5 baigboboh@sheppardmullin.com  
1901 Avenue of the Stars, Suite 1600  
6 Los Angeles, California 90067-6055  
Telephone: (310) 228-3700 / Facsimile: (310) 228-3701

7 Attorneys for Defendant and  
8 Counterclaimant Summit Entertainment,  
9 LLC

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION

13 BETWEEN THE LINES  
PRODUCTIONS, LLC a California  
14 limited liability company,

15 Plaintiff,

16 v.

17 LIONS GATE ENTERTAINMENT  
CORP., a British Columbia corporation,  
18 and SUMMIT ENTERTAINMENT,  
LLC, a Delaware limited liability  
19 company,

20 Defendants.

23 AND RELATED COUNTERCLAIMS.

Case No. 2:14-cv-00104-R (PJWx)

**DEFENDANT AND  
COUNTERCLAIMANT SUMMIT  
ENTERTAINMENT, LLC'S  
NOTICE OF MOTION AND  
MOTION *IN LIMINE* NO. 10 TO  
EXCLUDE EXHIBIT 29 AND  
OTHER SIMILAR EVIDENCE  
RELATED TO WARNER  
BROTHERS DIGITAL  
DISTRIBUTION**

Hon. Judge Manuel L. Real

Hearing Date: November 25, 2014  
Time: 9:00 a.m.  
Ctvm: 8

Complaint filed: Dec. 16, 2013  
Counterclaims filed: Jan. 27, 2014  
Trial Date: Nov. 25, 2014

1 TO THE ABOVE-CAPTIONED COURT AND TO PLAINTIFF AND ITS  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on November 25, 2014 at 9:00 a.m., or at  
4 another date and time as ordered by the Court, in the United States District Court,  
5 Central District of California, located at 312 North Spring Street, Los Angeles,  
6 California 90012-4701, Defendant and Counterclaimant Summit Entertainment,  
7 LLC<sup>1</sup> (“Summit”) will and hereby does move this Court for an order precluding  
8 Plaintiff and Counter-Defendant Between the Lines Productions, LLC (“BTL”) from  
9 introducing Exhibit 29 (including all sub-exhibits) and related testimony and  
10 evidence in an attempt to establish facts about Warner Brothers Digital Distribution.

11 This motion is made on the grounds that the evidence is irrelevant because  
12 there is no evidence that Warner Brothers Digital Distribution was ever presented  
13 with or agreed to distribute *Twiharder*. Furthermore, Exhibit 29 (including all sub-  
14 exhibits) is inadmissible hearsay and BTL has no witnesses who can testify about  
15 Warner Brothers Digital Distribution or the purported facts contained in Exhibit 29  
16 (including all sub-exhibits) from personal knowledge.

17 This motion is based on this notice of motion and motion, the memorandum  
18 of points and authorities filed concurrently herewith, all pleadings, papers and other  
19 documentary materials in the Court’s file for this action, those matters of which this  
20 Court may or must take judicial notice, and such other matters as this Court may  
21 consider in connection with the hearing on this matter.

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26 <sup>1</sup> On October 20, 2014, the Court granted Defendant Lions Gate Entertainment  
27 Corp.’s (“Lions Gate”) motion for summary adjudication as to all claims against it.  
28 (Dkt. 95.) Lions Gate is no longer a party to this action.

1        This motion is made following the conference of counsel pursuant to Local  
2 Rule 7-3, which took place on October 21, 2014. (Bost Decl. ISO MIL No. 1 ¶ 6.)

3                                Respectfully submitted,

4                                SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

5  
6 Dated: October 28, 2014

By: /s/ Jill M. Pietrini

7                                Jill M. Pietrini

8                                Attorneys for Defendant and Counterclaimant  
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1 **PROOF OF SERVICE**  
2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and **not a party to this**  
4 **action.** I am employed in the County of Los Angeles, State of California. My  
business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067-  
6055.

5 On October 28, 2014, I served true copies of the following document(s)  
described as **DEFENDANT AND COUNTERCLAIMANT SUMMIT**  
6 **ENTERTAINMENT, LLC'S NOTICE OF MOTION AND MOTION IN**  
7 **LIMINE NO. 10 TO EXCLUDE EXHIBIT 29 AND OTHER SIMILAR**  
8 **EVIDENCE RELATED TO WARNER BROTHERS DIGITAL**  
9 **DISTRIBUTION** on the interested parties in this action as follows:

9 James H. Freeman, Esq.  
J.H. Freeman Law  
10 3 Columbus Circle, 15 FL  
New York, NY 10019  
11 Tel: (212) 931-8535  
Fax: (212) 496-5870  
12 james@jhfreemanlaw.com

Steve Lowe, Esq.  
LOWE & ASSOCIATES, P.C.  
11400 Olympic Boulevard, Suite 640  
Los Angeles, CA 90064  
Tel: (310) 477-5811  
Fax: (310) 477-7672  
steve@lowelaw.com

13 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed  
14 the document(s) with the Clerk of the Court by using the CM/ECF system.  
Participants in the case who are registered CM/ECF users will be served by the  
15 CM/ECF system. Participants in the case who are not registered CM/ECF users will  
be served by mail or by other means permitted by the court rules.

16 I declare under penalty of perjury under the laws of the United States of  
17 America that the foregoing is true and correct and that I am employed in the office  
of a member of the bar of this Court at whose direction the service was made.

18 Executed on October 28, 2014, at Los Angeles, California.

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21 /s/ Latrina Martin  
Latrina Martin

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